

UPDATE Newsletter

Fall 2010

In an effort to utilize today's technology, Health Occupations Credentialing is now providing the *Update* newsletter to individuals via the Internet. If you wish to receive notice of the *Update* when it is placed on our Web site, please send an e-mail to Kathy Fritts at: kfritts@kdheks.gov. The newsletter will be provided primarily in "bullet" style. Paper copies will be provided upon request.

Your comments about the newsletter are welcome. Please e-mail comments to Kathy Fritts at kfritts@kdheks.gov or Marla Rhoden, Director of Health Occupations Credentialing at mrhoden@kdheks.gov.

News Updates

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KDHE Mission/Vision Statement

As the state's environmental protection and public health agency, KDHE promotes responsible choices to protect the health and environment for all Kansans.

Through education, direct services and the assessment of data and trends, coupled with policy development and enforcement, KDHE will improve health and quality of life. We prevent illness, and foster a safe and sustainable environment for the people of Kansas.



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KDHE Online Criminal Record Check Submission Web Site

The following (pages 2 thru 5) is what you will see when you access the online application for requesting criminal record checks:

Introduction

Welcome to the KDHE Online Criminal Record Check Submission web site. Any adult care home, home health agency, or staffing agency referenced under KSA 39-970 or KSA 65-5117 is authorized to use this online process.

For New Users Only

(New users are defined as New Facility, meaning the Facility has NOT signed up to work with this application before. See "Existing Facility" below for additional information.)

Select "new user" and enter the facility information which includes: facility ID number and name, street address, city, state, zip code, phone number and e-mail address as shown below. **Only one e-mail address per facility is permitted.** If an e-mail address is already associated with your Facility, you must follow the steps defined in "Existing Facilities Needing New Login Information" below.

Please wait 24 hours until the next business day before proceeding to the next step.

Next, go to the log on page and select log on.

Select "forgot password?" located next to the password field.

On the next screen, re-enter the facility ID number (a letter, followed by six numbers, all caps, no punctuation, i.e. N000999) and select "*Reset my password.*"

Go to the facility e-mail inbox and check for receipt of an e-mail message from helpcenter@ink.org. (If the help center e-mail is not found in the in box, check the junk file folder.) This e-mail will contain a temporary password.

Highlight and copy the password within the e-mail, then return to the log on page and hit log on. Enter the facility ID number and paste the temporary password into the password field. Next, change the temporary password to a permanent password, incorporating a capital letter, number and symbol. Passwords are not stored and cannot be retrieved, so if you should lose or forget your password, simply request a new one by selecting "forgot password?".

EXISTING FACILITIES NEEDING NEW LOGIN INFORMATION

(This is defined as a Facility that had previously been using the application, but for whatever reason needs a new e-mail associated with logging in.)

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First, you must e-mail the CRC staff at crcstaff@kdheks.gov stating a new e-mail address needs to be associated with your facility ID. State the facility ID number (a letter, followed by six numbers, all caps, no punctuation, i.e. N000999) in the body of the e-mail.

Wait 24 hours, then go to the introduction page and select log on.

Select "forgot password?" located next to the password field.

On the next screen, re-enter the facility ID number (a letter, followed by six numbers, all caps, no punctuation, i.e. N000999) and select "*Reset my password.*"

Go to the facility e-mail inbox and check for receipt of an e-mail message from helpcenter@ink.org. (If the help center e-mail is not found in the inbox, check the junk file folder.) This e-mail will contain a temporary password.

Highlight and copy the password within the e-mail, then return to the log on page and hit "log on." Enter the facility ID number and paste the temporary password into the password field. Next, change the temporary password to a permanent password, incorporating a capital letter, number and symbol. Passwords are not stored and cannot be retrieved, so if you should lose or forget your password, simply request a new one by selecting "forgot password?"

You are finished and ready to submit criminal record check requests online!

**If you are unable to move to the next page after selecting "continue", notify the CRC staff at crcstaff@kdheks.gov for assistance.

ADDITIONAL INFORMATION

Once a permanent password is set, users may log on to the system to submit criminal record checks. The cost is \$10 per request in addition to a convenience fee for each transaction. Payment may be made by:

- Credit card via Mastercard, Visa, American Express or Discover
- Electronic Check
- Your [Kansas.gov subscriber account](#)

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Kansas.gov and KDHE Health Occupations Credentialing are in partnership to provide the online services. Assistance with billing issues can be obtained by visiting Kansas.gov at: <http://www.kansas.gov/subscribers/billing.html>

If you have additional questions, please send inquiries to the CRC staff: crcstaff@kdheks.gov. Please include your facility ID number and telephone number.

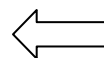
New User

▶ Indicates required information

If your facility has never been registered please complete the required information below. This request for a user account will be sent to the Kansas Department of Health and Environment for fulfillment. The login password for your facility will be e-mailed to you. If you do not receive your login credentials within 24 hours, contact KDHE at 785-296-8628 or by [e-mail](#).

Facility Information

▶ Facility ID Number:



Example: N000900 (One letter followed by six numbers, using all caps and no punctuation)

▶ Facility Name:

▶ Street Address:

▶ City:

▶ State:

▶ Zip code:

▶ Phone Number:



Example: (999) 999-9999

▶ E-Mail Address:



The e-mail address entered in this field will be the e-mail address used to send your password. Please double check what you have entered to assure accuracy.

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[KDHE Online Criminal Record Check Submission Web Site](#)

Log In

Facility Id Number:

Password:

[Forgot password?](#)

Trouble logging in?

Remember, all fields are case-sensitive. You must enter the Facility ID, e-mail address and password exactly as you did when you created it.



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New Legislation Regarding Felony Theft

Effective July 1, 2010, individuals with convictions for felony theft will be prohibited from employment in **any facility licensed under the Kansas Adult Care Home Act or Kansas Home Health Licensure Law in the State of Kansas pursuant to K.S.A. 39-970 and K.S.A. 65-5117** unless employed by an adult care home or home health agency on July 1, 2010 and while continuously employed by the same adult care home or home health agency. The prohibition for felony theft is a five-year prohibition which begins when all sentencing requirements have been met.

Please note that other changes to the laws were included in the legislation. Also effective July 1, 2010, facilities may submit, (but are not required to) the names of volunteers and registered or licensed health care employees for criminal record checks through KDHE; however, **volunteers and registered or licensed health care employees are not subject to the prohibitions established in K.S.A. 39-970 and K.S.A. 65-5117.**

Remember, it is a statutory requirement that any facility licensed under the Kansas Adult Care Home Act or Kansas Home Health Licensure Law **must** submit criminal record checks through KDHE. Staffing agencies who supply employees to work in an adult care home or home health agency must also submit criminal record checks through KDHE.

If you have questions, please contact Melinda Reynard-Lindsay at mreynard@kdheks.gov or call 785-296-8628.

Final Phases Of Implementing CNA Course Rosters Online

Health Occupations Credentialing staff are in the final phases of implementing a website that will allow course coordinators to submit the CNA course rosters online. Betty Domer and Steve Irwin have been traveling to different locations of the state to demonstrate the beta version of the website to course coordinators and other staff. Some training sites will be allowed to use the website in order to provide important feedback to HOC. After the feedback has been analyzed to identify potential changes, the website will be modified one last time and then be made available for usage.

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Nurse Aide Training Checklist Clarification

Kansas Nurse Aide Part I NATCEP Task Checklist

Before students can proceed to Part II of the 90-Hour CNA course, they must have successfully completed the 40 hours of classroom and lab practice for Part I (Units 1 through 12) of the 90-Hour Nurse Aide Curriculum Guidelines. When all tasks have been successfully demonstrated to the course instructor, the **Kansas Nurse Aide Part I NATCEP Task Checklist** sheet must be completed, signed, and issued to the student, unless the student is repeating this course. Students who are repeating the course are not allowed another Trainee II status. They must successfully complete the checklist, and it must be signed, but the instructor will retain it; it will not be given to the student. Students are also given a certificate of completion of paid nutrition assistant (PNA) training at this time. Please refer to page 18 of the Kansas 90-Hour Certified Nurse Aide Sponsor and Instructor Manual if you have any questions.

Kansas Nurse Aide Task Checklist for Verification of Employment

The Kansas Nurse Aide Task Checklist for Verification of Employment is a separate document from the 40 Hour NATCEP Task Checklist. This document is used to verify competency in CNAs who are no longer listed as active on the Kansas Nurse Aide Registry because they have not worked for two years. The Verification of Employment checklist must be requested by the nurse who will administer it, and should never be given to the CNA. The inactive CNA may either have the checklist administered, or take the Refresher Course. Nurses who need a Checklist for Verification of Employment in order to help a CNA become active should call Betty Domer at 785-296-1250.

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CRIMINAL RECORD CHECK PROGRAM

Frequently Asked Questions

Effective July 1, 2010, individuals with convictions for felony theft (KSA 21-3701) will be prohibited (5-year prohibition, see #28) from employment in any facility licensed under the Kansas Adult Care Home Act or Kansas Home Health Licensure Law in the State of Kansas pursuant to K.S.A. 39-970 and K.S.A. 65-5117 unless employed by an adult care home or home health agency on July 1, 2010 and while continuously employed by the same adult care home or home health agency.

1. What is a “criminal record check” and why is it a law?

The criminal record check is a review of the information on file with the Kansas Bureau of Investigation (KBI). The KBI collects information from police arrest reports, prosecution data, court determinations, and Department of Corrections. Much of this information is stored electronically by the KBI, but some is on paper. The law was established to prevent persons with serious criminal histories from working in any facility licensed under the Kansas Adult Care Home Act or Kansas Home Health Licensure Law. The basic premise is that people who have serious criminal histories, especially crimes against persons, should not be responsible for the care of the frail or elderly citizens of Kansas. The legislature made it a law as a part of the protection of the health and safety of residents and consumers of service(s).

2. What information is required on a criminal record check request and who sends it to the KBI?

The KBI has certain standard identifying information that is then compared to information on record. For example, a name (first, middle, last, suffix), alias or previous name(s), date of birth, gender, race, addresses, Social Security number all are important in order to distinguish people.

The law requires the person who operates the applicable facilities to request that KDHE compare the identifying information of the individual recently employed or being considered for employment, to information available from the KBI criminal history records. The operator/administrator sends the request to KDHE, and then KDHE sends the request to KBI. KDHE staff then access the results of the inquiry electronically. If there is a “match”, KDHE sends the portions of the criminal history record information (which are allowed to be released under the law), to the requesting, applicable facility.

3. Is there a difference between the criminal record information obtained through KBI’s online service and the information accessed from KBI through KDHE?

YES. The law specifies that KDHE accesses criminal history information through KBI records. Under these laws, certain juvenile convictions would constitute a prohibition of employment, which is one reason applicable facilities are required to access information from KBI through KDHE. These laws allow KDHE access to juvenile records. Most other sources you as an operator/administrator may access, including KBI’s online service, would not allow access to juvenile records.

4. Can we use our own (or corporation's) CRC request form?

NO. Use the form prepared and provided by KDHE:

http://www.kdheks.gov/hoc/downloads/CRC_Request_form.pdf

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5. Is criminal record information obtained from a private contractor allowed as a substitute for criminal records requested through KDHE?

NO. The statute requirement is specific and cites KDHE as the conduit for the information. There is no provision to allow the use of criminal record information from a private contractor. Also, criminal history information obtained from private contractors is not reported to the Kansas Nurse Aide Registry.

6. What if an applicant does not provide all alias and former names?

Although there is no guarantee that the information provided is complete and accurate, you must make reasonable efforts to obtain complete information. The goal should be to try and obtain any name(s) the individual has ever used.

7. How is a person's race identified? Options to select Hispanic or Mexican are not provided as choices?

The race categories are in accordance with standards conveyed by the KBI. Accordingly, Hispanic, Spanish or Mexican is considered ethnicity (not race). The person for whom the record check is performed should be identifying his or her own race category.

8. What is the legality of asking about juvenile convictions? I have 15-16 year-old kids working in laundry, housekeeping and the kitchen. Do I have the right to submit criminal record check requests on juveniles? YES. Not only do you have the right, but it is required according to the law.

9. What exactly is the employment date that allows long-term employees to be exempt from the criminal record check requirement?

Those employees who have had continuous employment **on or before July 1, 1993** are not subject to the record check requirement.

10. Are annual record checks for employees required by KDHE?

NO. There is not an annual requirement. However, if a facility or agency sends in requests on employees annually, KDHE will process the request.

11. Is it necessary to maintain files for criminal history information?

Although KDHE does not specifically require that a file of this information is maintained, documentation of compliance is frequently requested during the survey process. Organized, updated files would serve as a benefit to the facility. Further, the law requires that the information is kept confidential and provides for monetary penalties for violating these confidentiality requirements. Effective July 1, 2003, KDHE was required to provide the operator/administrator with the juvenile criminal history information concerning convictions under K.S.A 21-3701. The law requires that juvenile criminal history is to be kept strictly confidential and provides for monetary penalties for violating these confidentiality requirements as well. Facilities should seek legal counsel for general file maintenance advice.

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12. Are we permitted to disclose criminal history information to the person who is the subject of the request?

Yes, however legal counsel should be sought for specific security requirements concerning criminal record check request information.

13. Are (licensed adult care home) administrators exempt from the CRC requirement?

YES. However, there are other laws which require record checks under the licensing board's policies. Effective July 1, 2010 operators/administrators **may** submit criminal record check requests for licensed staff (i.e. Administrators, LPNs RNs) as well as volunteers but are not required to do so. Additionally, they will not be subject to the prohibitions established in K.S.A 39-970 and K.S.A. 65-5117.

14. If a criminal record check request is submitted on a new employee, will it be necessary to submit future CRCs on that employee if continual employment is maintained?

It is the responsibility of the operator/administrator to comply with the conditions of the law. The frequency of rechecks is up to the operator/administrator. KDHE will provide the service as indicated by law and maintains a record of CRC requests previously submitted. This information is integrated into the Health Occupations Credentialing data base and is available on certified staff through the Kansas Nurse Aide Registry.

15. When a notice of employment prohibition is received, is the prohibited employee permitted to continue working until a replacement has been hired? Can a prohibited individual continue working at the facility or on the grounds as long as there is no direct care or contact with the residents?

No. Compliance with the law indicates that "no person shall knowingly operate an adult care home if, in the adult care home, there works any person who . . ."

The law provides for civil liability protections under subsection (d) . . . "no adult care home, the operator/administrator or employees of an adult care home or of an employment agency, shall be liable for civil damages resulting from any decision to employ, refuse to employ, or to discharge from employment any person based on such adult care home's compliance with the provisions of this section if . . . [acting] in good faith to comply with this section."

16. How will KDHE enforce employment prohibition?

Enforcement will follow regular survey protocols. This means that the operator/administrator must have a procedure in place to request criminal record checks through KDHE. If a notice of prohibition is generated based upon a criminal conviction which would prohibit employment, the administrator of the requesting facility/agency will be sent the original Notice of Employment Prohibition.

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17. "Consumer Directed Services Program" allows clients the choice of using a friend or relative as their caretaker. What if the person responsible for hiring decisions insists on employing a particular individual in spite of their criminal history or even employment prohibition listed on the Kansas Nurse Aide Registry?

This program refers to certain in-home health care services which may be coordinated or reimbursed by state or federal health care funds. Persons providing in-home services are contracted by the homebound person to provide care to that person. The home health agency does not procure or select which provider serves a client under the Consumer Directed Services Program. The caretaker is employed by the individual and is not an employee of a home health agency. The law requiring criminal record checks for applicants or employees of an adult care home or home health agency currently has no provisions requiring record checks on individuals hired through the Consumer Directed Services Program.

18. What is the criminal record check requirement for employment (staffing) agencies in the State of Kansas?

Both laws (KSA 39-370 and 65-5117) address this under subsection (d), ". . . any employment agency which provides employers with written certification that such employees are not prohibited from working the adult care home under this act." KDHE receives and processes requests from employment agencies. The requestor will be notified of any matches of prohibited offenses.

19. Does this law apply to the hospital long-term care units, assisted living, residential care facilities?

The way to know what facility must comply with this law is to answer the following questions:

Is the facility licensed under the Kansas Adult Care Home Act or Kansas Home Health Licensure Law? (Yes = the law applies) Is the facility licensed as a Kansas Hospital or Medical Care facility? (No = the law does not apply)

In addition, remember that this is a KANSAS LAW -- it is not part of federal reimbursement programs such as Medicare or Medicaid.

20. What about obtaining criminal history information in other states or for federal crimes?

The law states, under subsection (d), ". . . for the purpose of complying with this section, information relating to convictions and adjudications by the federal government or to convictions and adjudications in states other than Kansas . . . until the secretary determines [that] . . . such information could reasonably be . . . obtained within a two-week period." The law is constructed such that it is the operator's/administrator's responsibility to not employ anyone with a prohibited conviction. Therefore, if an operator/administrator has evidence or can obtain evidence that the person was convicted of an applicable offense from an outside state, a prohibition notice could be issued in Kansas based on that information.

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21. If criminal history information was recently obtained by a Kansas City, Missouri facility, would that satisfy the Kansas CRC requirement?

NO. Kansas criminal records information would not have been obtained. However, if confirmation of a conviction from another state is obtained, and the offense the individual was convicted of matches an offense which prohibits employment in Kansas, then that individual is prohibited from employment in an adult care home or home health agency.

22. If an employee is terminated because of information received in a CRC result, will such an action count against the facility for unemployment insurance purposes?

This question should be brought to the Department of Human Resources.

23. Prohibited individuals are flagged on the Kansas Nurse Aide Registry. As long as KNAR confirmation is obtained prior to hiring, why is it necessary to pay for criminal record check requests through KDHE? Aren't they the same thing?

No, they are not the same thing, although a portion of CRC information is integrated to the Kansas Nurse Aide Registry. Criminal record check results provide the details of criminal history information on file with the Kansas Bureau of Investigation. KNAR confirmation provides current employment status of Certified Nurse Aides, Medication Aides and Home Health Aides. Both CRC requests and KNAR confirmation are required at the time of employment.

24. The statute refers to "anyone who works" in an adult care home . . . what about the person who mows the lawn, or a contractor who does plumbing or painting, does the law apply to them?

This is interpreted to mean anyone who regularly works, not including an incidental or emergency repair person or episodic contract labor. If there is any doubt as to whether a person is covered by the law, a record check should be conducted.

25. If criminal record check requests were recently completed by a facility using KBI's online service (or another service provider), is it necessary to submit CRC requests again on the same applicants, through KDHE?

YES. The intent is to have a single-source for accessing criminal records history information, which the law identifies as KDHE and KBI. Part of the rationale for this requirement is standardization of record information. What may be accessed through county law enforcement or an independent agency does not include juvenile records. Under the current law, select juvenile convictions (history) would result in prohibition of employment.

26. Are drug offenses prohibited under the law?

NO. The main prohibitions are those convictions dealing with crimes against persons, sexual crimes, and crimes affecting family relationships.

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27. Is there a list of offenses which prohibit employment?

YES. The list of offenses which prohibit employment (5 year or permanent prohibition) is available online at: http://www.kdheks.gov/hoc/ach_adm_resources/cbc/offenses.pdf.

Please note that it is not the operator's/administrator's responsibility to sort through that level of detail to determine whether an individual should be prohibited from employment. When a possible matched record is found, the CRC staff researches and confirms the conviction data, initiates employment prohibition (if applicable) and notifies the requesting facility. The requesting facility is not required to analyze criminal convictions and employment prohibitions.

28. How will KDHE determine when a person is no longer prohibited, since the amended law allows someone to work if five (plus) years have elapsed since completion of their sentencing, etc.?

If no verification is available through the KBI, the prohibited individual will have to contact the court of jurisdiction or Department of Corrections to request that the court journal related to the prohibiting offense be mailed or faxed (785 286-3075) to the criminal record check staff at KDHE. Remember that five years must have elapsed since the completion of all sentencing requirements including incarceration, parole, probation and restitution.

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Health Occupations Credentialing

HEALTH OCCUPATIONS CREDENTIALING

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Bureau of Child Care and Health Facilities**

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Assistance	Call
Not sure who to call... (forms may be downloaded from Internet)	www.kdheks.gov/hoc Contacts
Licensing of speech-language pathologist, audiologist, dietitian, adult care home administrator; verification of same licenses; test for adult care home administrator	Brenda Nesbitt Kroll 785-296-0061
Health Occupations Credentialing Act; web-based processes	Steve Irwin 785-296-6647
Aide training courses; sponsorship programs; course approvals; continuing education approval for licensees	Dolores Staab 785-296-6796
Test scheduling for aides or challenging an aide test with higher education, related forms; employment verification and task checklist; certification	Betty Domer 785-296-1250
Forms; replacement certificates	Sheila Seymour 785-296-0060
Kansas Nurse Aide Registry; interstate or reciprocity for aides; instructor approvals; inquiries related to findings of abuse, neglect, exploitation	Kathy Fritts 785-296-6877
Education policies	Mary Flin 785-296-0058
Criminal record check program; employment prohibition notice questions; staffing agency set up	Melinda Reynard-Lindsay 785-296-8628
Criminal record check program support, CRC results	Sarita Everett 785-296-6958
Open records request (Kansas Open Records Act)	LaDonna Lee 785-296-0583
KANSAS NURSE AIDE REGISTRY WEB SITE www.ksnurseaidregistry.org	
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